

1 THOMAS M. HERLIHY (SBN 83615)
JOHN C. FERRY (SBN 104411)
2 KELLY, HERLIHY, & KLEIN LLP
44 Montgomery Street, Suite 2500
3 San Francisco, CA 94104
Telephone: (415) 951-0535
4 Facsimile: (415) 391-7808

5 Attorneys for Defendant
PROVIDENT LIFE AND ACCIDENT
6 INSURANCE COMPANY

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 ROBERT H. CHRISTENSEN)

13 Plaintiff,)

14 v.)

15 PROVIDENT LIFE AND ACCIDENT)
16 INSURANCE COMPANY,)

17 Defendant.)
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Case No. C 07 04789

**[PROPOSED] ORDER DISMISSING
THE THIRD CAUSE OF ACTION OF
COMPLAINT**

Date: November 20, 2007
Time: TBD
Courtroom: TBD

Supporting Papers:
1. Points and Authorities
2. Ferry Declaration
3. Notice and Motion

1 This matter came on regularly for hearing. Appearances of counsel are as reflected in the
2 minutes of the Clerk.

3 Defendant Provident Life & Accident Insurance Company ("Defendant") seeks an order to
4 dismiss the Third Cause of Action of Plaintiff's Complaint and the attendant supporting allegations.
5 The Court finds that Defendant's motion is well taken. There is no private right of action under
6 Insurance Code section 790 and unfair practices claims based on alleged violations of Business and
7 Professions Code Section 17200 are barred by *Moradi-Shalal v. Fireman's Fund Ins. Companies*, 46
8 Cal.3d 287 (1988) and *Textron Financial Corporation v. National Union Fire Insurance Co.*, 118
9 Cal. App. 4th 1061 (2004).

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11 **ORDER**

12 Defendant's motion is granted and the Third Cause of Action of Plaintiff's Complaint is
13 hereby dismissed and the attendant supporting allegations are stricken.

14 Plaintiff has twenty (20) days to amend his pleadings.
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18 Dated: November __, 2007

19 By _____
United States District Judge

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